

By: Coleman

H.B. No. 783

A BILL TO BE ENTITLED

AN ACT

relating to public participation in certain condemnation proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0112 to read as follows:

Sec. 21.0112. PUBLIC PARTICIPATION REQUIREMENT. (a) A governing body of an institution of higher education, as defined by Section 61.003, Education Code, with eminent domain authority that seeks to acquire more than one unit of residential real property by condemnation shall hold a public hearing on the proposed acquisition at which public testimony regarding the proposed acquisition is allowed.

(b) The hearing must be held in a location readily accessible to persons who would be affected by the proposed acquisition.

(c) Not later than the 30th day before the date of the hearing, the governing body shall, in addition to providing any other notice required by law:

(1) provide notice by registered or certified mail to:

(A) the state senator and state representative who represent each district in which all or part of the property is located;

(B) the mayor and each city council member of

1 each municipality in which all or part of the property is located;  
2 and

3 (C) the owner of record of each unit of  
4 residential real property the institution of higher education seeks  
5 to acquire; and

6 (2) publish notice in one or more newspapers of  
7 general circulation in each county in which all or part of the  
8 property is located.

9 (d) The notice must include:

10 (1) the time, date, and location of the hearing;

11 (2) the address of each unit of residential real  
12 property under consideration; and

13 (3) the proposed use of the property.

14 SECTION 2. The change in law made by this Act applies only  
15 to the acquisition of residential real property by an institution  
16 of higher education initiated on or after the effective date of this  
17 Act. The acquisition of residential real property by an  
18 institution of higher education initiated before the effective date  
19 of this Act is governed by the law in effect at the time the  
20 acquisition is initiated, and the former law is continued in effect  
21 for that purpose.

22 SECTION 3. This Act takes effect September 1, 2003.